

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LAMONE T. BLUE,

Plaintiff,

v.

DOC-SOU-MCC, et al.,

Defendants.

CASE NO. C06-173RSM

ORDER

The Court, having reviewed the Plaintiff's Complaint, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, finds and Orders as follows:

(1) The Report and Recommendation is approved and adopted. The Court notes that plaintiff failed to comply with the directive to correct noted deficiencies by identifying specific defendants and the acts each personally committed in violation of plaintiff's protected rights. Further, the Court finds that plaintiff was not truthful in filling out the complaint form, in that he stated he has filed only one prior lawsuit. Dkt. # 23. The Court's records indicate that he has filed five prior prisoner civil rights complaints. While two of those were dismissed for failure to prosecute or failure to correct deficiencies, and one was consolidated with another case, two lawsuits progressed to a determination on the merits. Blue v. Davis, et al., C05-315TSZ; Blue v. McDermott, C04-1011RSL. Moreover, while plaintiff states that the McDermott suit resulted in a finding that defendant McDermott "plead guilty", in reality the action was dismissed for failure to state a claim. C04-1011RSL, Dkt. # 14, 15.

(2) This matter is **DISMISSED** under Title 28 U.S.C. § 1915 (e)(2)(B)(ii) for failure to state a

1 claim and failure to comply with the Court's orders; and

2 (3) The Clerk is directed to send a copy of this Order to Plaintiff, to counsel for defendants, and
3 to the Hon. Monica J. Benton.

4 Dated this _5_ day of March, 2007.



6 RICARDO S. MARTINEZ
7 UNITED STATES DISTRICT JUDGE
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